

United States District Court
Southern District of Florida
MIAMI DIVISION

UNITED STATES OF AMERICA**AMENDED JUDGMENT IN A CRIMINAL CASE****v.****Case Number - 1:11-20698-CR-SCOLA-3****FRANK J. BALLESTEROS**

USM Number: 38106-004

Counsel For Defendant: David T. Alvarez, Esquire
 Counsel For The United States: AUSA Dwayne E. Williams
 Court Reporter: Joseph Millikan

Date of Original Judgment: 08/10/2012
(Or Date of Last Amended Judgment)

Reason for Amendment:

- ☐ Correction of Sentence on Remand (18 U.S.C. 3742(f)(1) and (2))
☐ Reduction of Sentence for Changed Circumstances (Fed. R. Crim. P. 35(b))
☐ Correction of Sentence by Sentencing Court (Fed. R. Crim. P. 35(a))
☐ Correction of Sentence for Clerical Mistake (Fed. R. Crim. P. 36)
- ☐ Modification of Supervision Conditions (18 U.S.C. §§ 3563(c) or 3583(e))
☐ Modification of Imposed Term of Imprisonment for Extraordinary and Compelling Reasons (18 U.S.C. § 3582(c)(1))
☐ Modification of Imposed Term of Imprisonment for Retroactive to the Sentencing Guidelines (18 U.S.C. § 3582(c)(2))
☐ Direct Motion to District Court ☐ 28 U.S.C. § 2255 or
☐ 18 U.S.C. § 3559(c)(7)
☒ Modification of Restitution Order (18 U.S.C. § 3664)

The defendant was found guilty on Count(s) 1, 2, 4, and 9 of the Indictment.

The defendant is adjudicated guilty of the following offense(s):

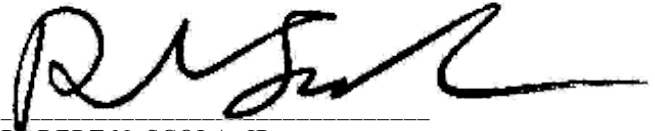
<u>TITLE/SECTION NUMBER</u>	<u>NATURE OF OFFENSE</u>	<u>OFFENSE ENDED</u>	<u>COUNT</u>
21 U.S.C. § 846	Conspiracy to possess with intent to distribute oxycodone and oxymorphone.	09/30/11	1
21 U.S.C. § 841(a)(1)	Possession with intent to distribute oxycodone and oxymorphone.	10/08/10	2
21 U.S.C. § 841(a)(1)	Possession with intent to distribute oxycodone and oxymorphone.	10/25/10	4
18 U.S.C. § 1349	Conspiracy to commit health care fraud.	09/30/11	9

The defendant is sentenced as provided in the following pages of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

DEFENDANT: FRANK J. BALLESTEROS
CASE NUMBER: 1:11-20698-CR-SCOLA-3

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of any material changes in economic circumstances.

Date of Imposition of Sentence:
09/06/2012

A handwritten signature in black ink, appearing to read 'R. N. Scola, Jr.', written over a horizontal line.

ROBERT N. SCOLA, JR.
United States District Judge

September 6, 2012

DEFENDANT: FRANK J. BALLESTEROS
CASE NUMBER: 1:11-20698-CR-SCOLA-3

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of **365 months**. This term consists of 240 months as to each of Counts 1 and 2, to be served concurrently with each other, 125 months as to Count 4, to be served consecutively to Counts 1 and 2, and 120 months as to Count 9, to be served concurrently with Counts 1 and 2.

The defendant is remanded to the custody of the United States Marshal.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By: _____
Deputy U.S. Marshal

DEFENDANT: FRANK J. BALLESTEROS
CASE NUMBER: 1:11-20698-CR-SCOLA-3

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of **three years**. This term consists of terms of three years as to each of Counts 1, 2, 4, and 9, all such terms to run concurrently.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.

The defendant shall cooperate in the collection of DNA as directed by the probation officer.

If this judgment imposes a fine or a restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

1. The defendant shall not leave the judicial district without the permission of the court or probation officer;
2. The defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
3. The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
4. The defendant shall support his or her dependents and meet other family responsibilities;
5. The defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
6. The defendant shall notify the probation officer **at least ten (10) days prior** to any change in residence or employment;
7. The defendant shall refrain from the excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
8. The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
9. The defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
10. The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
11. The defendant shall notify the probation officer within **seventy-two (72) hours** of being arrested or questioned by a law enforcement officer;
12. The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
13. As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: FRANK J. BALLESTEROS
CASE NUMBER: 1:11-20698-CR-SCOLA-3

SPECIAL CONDITIONS OF SUPERVISION

The defendant shall also comply with the following additional conditions of supervised release:

Financial Disclosure Requirement - The defendant shall provide complete access to financial information, including disclosure of all business and personal finances, to the U.S. Probation Officer.

Health Care Business Restriction - The defendant shall not own, directly or indirectly, or be employed, directly or indirectly, in any health care business or service, which submits claims to any private or government insurance company, without the Court's approval.

Relinquishment of Licensure - Upon request of the appropriate regulatory agency, the defendant shall relinquish his/her license to said agency. The defendant is on notice that such relinquishment is permanent and will be considered disciplinary action.

Self-Employment Restriction - The defendant shall obtain prior written approval from the Court before entering into any self-employment.

DEFENDANT: FRANK J. BALLESTEROS
CASE NUMBER: 1:11-20698-CR-SCOLA-3

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on the Schedule of Payments sheet.

<u>Total Assessment</u>	<u>Total Fine</u>	<u>Total Restitution</u>
\$400.00	\$	\$5,482,217.81

Restitution with Imprisonment -

It is further ordered that the defendant shall pay restitution in the amount of **\$5,482,217.81**. During the period of incarceration, payment shall be made as follows: (1) if the defendant earns wages in a Federal Prison Industries (UNICOR) job, then the defendant must pay 50% of wages earned toward the financial obligations imposed by this Judgment in a Criminal Case; (2) if the defendant does not work in a UNICOR job, then the defendant must pay \$25.00 per quarter toward the financial obligations imposed in this order.

Upon release of incarceration, the defendant shall pay restitution at the rate of 10% of monthly gross earnings, until such time as the court may alter that payment schedule in the interests of justice. The U.S. Bureau of Prisons, U.S. Probation Office and U.S. Attorney's Office shall monitor the payment of restitution and report to the court any material change in the defendant's ability to pay. These payments do not preclude the government from using other assets or income of the defendant to satisfy the restitution obligations.

The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(I), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>	<u>Priority Order or Percentage of Payment</u>
U.S. Courts ¹	\$Amount of Loss	\$5,482,217.81	

*Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18, United States Code, for offenses committed on or after September 13, 1994, but before April 23, 1996.

¹The Clerk of Court shall forward the restitution payments to the victim(s) in this case.

DEFENDANT: FRANK J. BALLESTEROS
CASE NUMBER: 1:11-20698-CR-SCOLA-3

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

A. Lump sum payment of **\$400.00** due immediately.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

The assessment/fine/restitution is payable to the CLERK, UNITED STATES COURTS and is to be addressed to:

**U.S. CLERK'S OFFICE
ATTN: FINANCIAL SECTION
400 NORTH MIAMI AVENUE, ROOM 8N09
MIAMI, FLORIDA 33128-7716**

The assessment/fine/restitution is payable immediately. The U.S. Bureau of Prisons, U.S. Probation Office and the U.S. Attorney's Office are responsible for the enforcement of this order.

Joint and Several Restitution:

Defendant and Co-Defendant Names and Case Numbers, Total Amount, Joint and Several Amount, and corresponding payee.

Frank J. Ballesteros shall pay joint and several restitution in the amount of **\$5,482,217.81** with the co-defendants in this case, that is, 11-20698-CR-SCOLA.

The defendant shall forfeit the defendant's interest in the following property to the United States: as specified in the Preliminary Order and Judgment of Forfeiture (**ECF No. 660**), which is incorporated by reference.

The defendant's right, title and interest to the property identified in the preliminary order of forfeiture, which has been entered by the Court and is incorporated by reference herein, is hereby forfeited.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

United States District Court
Southern District of Florida
MIAMI DIVISION

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

v.

Case Number - 1:11-20698-CR-SCOLA-3

FRANK J. BALLESTEROS

USM Number: 38106-004

Counsel For Defendant: David T. Alvarez, Esquire
Counsel For The United States: AUSA Dwayne E. Williams
Court Reporter: Joseph Millikan

The defendant was found guilty on Count(s) 1, 2, 4, and 9 of the Indictment.

The defendant is adjudicated guilty of the following offense(s):

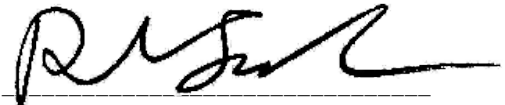
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DEFENDANT: FRANK J. BALLESTEROS
CASE NUMBER: 1:11-20698-CR-SCOLA-3

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Date of Imposition of Sentence:
8/10/2012

A handwritten signature in black ink, appearing to read 'R. Scola, Jr.', written over a horizontal line.

ROBERT N. SCOLA, JR.
United States District Judge

August 10, 2012

DEFENDANT: FRANK J. BALLESTEROS
CASE NUMBER: 1:11-20698-CR-SCOLA-3

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The defendant is remanded to the custody of the United States Marshal.

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By: _____
Deputy U.S. Marshal

DEFENDANT: FRANK J. BALLESTEROS
CASE NUMBER: 1:11-20698-CR-SCOLA-3

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DEFENDANT: FRANK J. BALLESTEROS
CASE NUMBER: 1:11-20698-CR-SCOLA-3

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DEFENDANT: FRANK J. BALLESTEROS
CASE NUMBER: 1:11-20698-CR-SCOLA-3

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on the Schedule of Payments sheet.

Total Assessment

\$400.00

Total Fine

\$

Total Restitution

\$

Restitution with Imprisonment -

It is further ordered that the defendant shall pay restitution in the amount of \$. During the period of incarceration, payment shall be made as follows: (1) if the defendant earns wages in a Federal Prison Industries (UNICOR) job, then the defendant must pay 50% of wages earned toward the financial obligations imposed by this Judgment in a Criminal Case; (2) if the defendant does not work in a UNICOR job, then the defendant must pay \$25.00 per quarter toward the financial obligations imposed in this order. Upon release of incarceration, the defendant shall pay restitution at the rate of 10% of monthly gross earnings, until such time as the court may alter that payment schedule in the interests of justice. The U.S. Bureau of Prisons, U.S. Probation Office and U.S. Attorney's Office shall monitor the payment of restitution and report to the court any material change in the defendant's ability to pay. These payments do not preclude the government from using other assets or income of the defendant to satisfy the restitution obligations.

The determination of restitution is deferred until **August 24, 2012 at 1:45 PM**. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such a determination.

*Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18, United States Code, for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: FRANK J. BALLESTEROS
CASE NUMBER: 1:11-20698-CR-SCOLA-3

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

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ATTN: FINANCIAL SECTION
400 NORTH MIAMI AVENUE, ROOM 8N09
MIAMI, FLORIDA 33128-7716**

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The defendant shall forfeit the defendant's interest in the following property to the United States: as specified in the Preliminary Order and Judgment of Forfeiture (**ECF No. 660**), which is incorporated by reference.

The defendant's right, title and interest to the property identified in the preliminary order of forfeiture, which has been entered by the Court and is incorporated by reference herein, is hereby forfeited.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 11-20698-CR-SCOLA

UNITED STATES OF AMERICA

vs.

FRANK J. BALLESTEROS,

Defendant.

VERDICT

We, the Jury in the above-captioned case, unanimously find as follows:

COUNT 1

As to **Count 1** of the Indictment, we find Defendant FRANK J. BALLESTEROS:

NOT GUILTY _____

GUILTY ✓

COUNT 2

As to **Count 2** of the Indictment, we find Defendant FRANK J. BALLESTEROS:

NOT GUILTY _____

GUILTY ✓

COUNT 4

As to **Count 4** of the Indictment, we find Defendant FRANK J. BALLESTEROS:

NOT GUILTY _____

GUILTY ✓

COUNT 9

As to **Count 9** of the Indictment, we find Defendant FRANK J. BALLESTEROS:

NOT GUILTY _____

GUILTY ✓

SO SAY WE ALL.

Dated:

Apr. 10, 2012

FOREPERSON OF THE JURY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

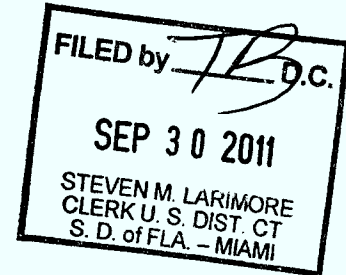
CASE NO.

11-20698

OR-MOORE

/TORRES

21 U.S.C. § 846
21 U.S.C. § 841(a)(1)
18 U.S.C. § 1349
18 U.S.C. § 982(a)(7)
21 U.S.C. § 853



UNITED STATES OF AMERICA

vs.

**AIMAN IZZEDIN ARYAN,
EMERSON CARMONA,
FRANK J. BALLESTEROS,
GERARDO GOMEZ,
a/k/a "Gerry,"
JUAN DE DIOS GOMEZ,
a/k/a "Juancito,"
a/k/a "Papa,"
DANAY C. MANSO,
a/k/a "Danay C. Manso-Perez,"
a/k/a "Danay Camila Manso-Perez,"
a/k/a "Danay Camila Manso,"
a/k/a "Danay Camila M. Perez,"
a/k/a "Camila,"
DANILO FALCON,
a/k/a "Danny,"
ELIEZER SALGADO,
a/k/a "Lito,"
FRANCISCO HERNANDEZ,
LEROY PAIGE,
a/k/a "Batman,"
a/k/a "Bat,"
ALYSSA LYN PAIGE,
CYNTHIA SUZETTE ADDERLEY,
VICTOR D. ALEXANDER,
AARON LAMAR ALLEN,
HENRY LOUIS CONLEY, Jr.,
HATTIE MAE GREEN,
PETRONELLA SMITH HOWARD,**

**ERIC FYKE MILLER,
a/k/a "Jaysyn,"
ANNIE MIMS SIMMONS,
a/k/a "Miss Annie,"
BOBBIE LEE ANDERSON,
DENISE DARCELLE DARDY,
MARGARET MARIE ELLIOTT,
BILLY JOE MCCOY,
and
RONALD REGAINS,**

Defendants.

INDICTMENT

The Grand Jury charges that:

**COUNT 1
Conspiracy to Possess with Intent to
Distribute a Controlled Substance
(21 U.S.C. § 846)**

Beginning as early as November 2007, the exact date being unknown to the Grand Jury, and continuing through on or about the date of this indictment, in Miami-Dade, Broward, Palm Beach, Martin, and St. Lucie Counties, in the Southern District of Florida, and elsewhere, the defendants,

**AIMAN IZZEDIN ARYAN,
EMERSON CARMONA,
FRANK J. BALLESTEROS,
GERARDO GOMEZ,
a/k/a "Gerry,"
JUAN DE DIOS GOMEZ,
a/k/a "Juancito,"
a/k/a "Papa,"
DANAY C. MANSO,
a/k/a "Danay C. Manso-Perez,"
a/k/a "Danay Camila Manso-Perez,"
a/k/a "Danay Camila Manso,"
a/k/a "Danay Camila M. Perez,"
a/k/a "Camila,"
DANILO FALCON,
a/k/a "Danny,"**

**ELIEZER SALGADO,
a/k/a "Lito,"
FRANCISCO HERNANDEZ,
LEROY PAIGE,
a/k/a "Batman,"
a/k/a "Bat,"
ALYSSA LYN PAIGE,
CYNTHIA SUZETTE ADDERLEY,
VICTOR D. ALEXANDER,
AARON LAMAR ALLEN,
HENRY LOUIS CONLEY, Jr.,
HATTIE MAE GREEN,
PETRONELLA SMITH HOWARD,
ERIC FYKE MILLER,
a/k/a "Jaysyn,"
ANNIE MIMS SIMMONS,
a/k/a "Miss Annie,"
BOBBIE LEE ANDERSON,
DENISE DARCELLE DARDY,
MARGARET MARIE ELLIOTT,
BILLY JOE MCCOY,
and
RONALD REGAINS,**

did knowingly and intentionally combine, conspire, confederate, and agree with each other and with other persons known and unknown to the Grand Jury, to possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1); all in violation of Title 21, United States Code, Section 846.

Pursuant to Title 21, United States Code, Section 841(b)(1)(C), it is further alleged that this violation involved a Schedule II controlled substance, that is, a mixture and substance containing a detectable amount of oxycodone.

Pursuant to Title 21, United States Code, Section 841(b)(1)(C), it is further alleged that this violation involved a Schedule II controlled substance, that is, a mixture and substance containing a detectable amount of oxymorphone.

COUNT 2
Possession with Intent to
Distribute a Controlled Substance
(21 U.S.C. § 841(a)(1))

On or about October 8, 2010, in Miami-Dade County, in the Southern District of Florida, the defendants,

FRANK J. BALLESTEROS,
LEROY PAIGE,
a/k/a "Batman,"
a/k/a "Bat,"
HATTIE MAE GREEN,
and
DENISE DARCELLE DARDY,

did knowingly and intentionally possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Section 2.

Pursuant to Title 21, United States Code, Section 841(b)(1)(C), it is further alleged that this violation involved a Schedule II controlled substance, that is, a mixture and substance containing a detectable amount of oxycodone.

Pursuant to Title 21, United States Code, Section 841(b)(1)(C), it is further alleged that this violation involved a Schedule II controlled substance, that is, a mixture and substance containing a detectable amount of oxymorphone.

COUNT 3
Possession with Intent to
Distribute a Controlled Substance
(21 U.S.C. § 841(a)(1))

On or about October 8, 2010, in Miami-Dade County, in the Southern District of Florida, the defendants,

**JUAN DE DIOS GOMEZ,
a/k/a "Juancito,"
a/k/a "Papa,"
and
LEROY PAIGE,
a/k/a "Batman,"
a/k/a "Bat,"**

did knowingly and intentionally possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Section 2.

Pursuant to Title 21, United States Code, Section 841(b)(1)(C), it is further alleged that this violation involved a Schedule II controlled substance, that is, a mixture and substance containing a detectable amount of oxycodone.

Pursuant to Title 21, United States Code, Section 841(b)(1)(C), it is further alleged that this violation involved a Schedule II controlled substance, that is, a mixture and substance containing a detectable amount of oxymorphone.

**COUNT 4
Possession with Intent to
Distribute a Controlled Substance
(21 U.S.C. § 841(a)(1))**

On or about October 25, 2010, in Miami-Dade County, in the Southern District of Florida,
the defendants,

**FRANK J. BALLESTEROS,
LEROY PAIGE,
a/k/a "Batman,"
a/k/a "Bat,"
ERIC FYKE MILLER,
a/k/a "Jaysyn,"
and
RONALD REGAINS,**

did knowingly and intentionally possess with intent to distribute a controlled substance, in violation

of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Section 2.

Pursuant to Title 21, United States Code, Section 841(b)(1)(C), it is further alleged that this violation involved a Schedule II controlled substance, that is, a mixture and substance containing a detectable amount of oxycodone.

Pursuant to Title 21, United States Code, Section 841(b)(1)(C), it is further alleged that this violation involved a Schedule II controlled substance, that is, a mixture and substance containing a detectable amount of oxymorphone.

COUNT 5
Possession with Intent to
Distribute a Controlled Substance
(21 U.S.C. § 841(a)(1))

On or about January 4, 2011, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

LEROY PAIGE,
a/k/a "Batman,"
a/k/a "Bat,"
and
RONALD REGAINS,

did knowingly and intentionally possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Section 2.

Pursuant to Title 21, United States Code, Section 841(b)(1)(C), it is further alleged that this violation involved a Schedule II controlled substance, that is, a mixture and substance containing a detectable amount of oxycodone.

Pursuant to Title 21, United States Code, Section 841(b)(1)(C), it is further alleged that this violation involved a Schedule II controlled substance, that is, a mixture and substance containing a

detectable amount of oxymorphone.

COUNT 6
Possession with Intent to
Distribute a Controlled Substance
(21 U.S.C. § 841(a)(1))

On or about January 5, 2011, in Miami-Dade, St. Lucie, and Broward Counties, in the Southern District of Florida, and elsewhere, the defendants,

LEROY PAIGE,
a/k/a "Batman,"
a/k/a "Bat,"
CYNTHIA SUZETTE ADDERLEY,
PETRONELLA SMITH HOWARD,
BOBBIE LEE ANDERSON,
MARGARET MARIE ELLIOT,
and
BILLY JOE MCCOY,

did knowingly and intentionally possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Section 2.

Pursuant to Title 21, United States Code, Section 841(b)(1)(C), it is further alleged that this violation involved a Schedule II controlled substance, that is, a mixture and substance containing a detectable amount of oxycodone.

COUNT 7
Attempted Possession with Intent to
Distribute a Controlled Substance
(21 U.S.C. § 846)

On or about January 26, 2011, in Miami-Dade County, in the Southern District of Florida, the defendants,

GERARDO GOMEZ,
a/k/a "Gerry,"
JUAN DE DIOS GOMEZ,

**a/k/a "Juancito,"
a/k/a "Papa,"
DANILO FALCON,
a/k/a "Danny,"
LEROY PAIGE,
a/k/a "Batman,"
a/k/a "Bat,"
and
ALYSSA LYN PAIGE,**

did knowingly and intentionally attempt to possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1); in violation of Title 21, United States Code, Section 846, and Title 18, United States Code, Section 2.

Pursuant to Title 21, United States Code, Section 841(b)(1)(C), it is further alleged that this violation involved a Schedule II controlled substance, that is, a mixture and substance containing a detectable amount of oxycodone.

**COUNT 8
Possession with Intent to
Distribute a Controlled Substance
(21 U.S.C. § 841(a)(1))**

On or about April 6, 2011, in Miami-Dade County, in the Southern District of Florida, the defendants,

**GERARDO GOMEZ,
a/k/a "Gerry,"
DANILO FALCON,
a/k/a "Danny,"
LEROY PAIGE,
a/k/a "Batman,"
a/k/a "Bat,"
and
ALYSSA LYN PAIGE,**

did knowingly and intentionally possess with intent to distribute a controlled substance, in violation

of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Section 2.

Pursuant to Title 21, United States Code, Section 841(b)(1)(C), it is further alleged that this violation involved a Schedule II controlled substance, that is, a mixture and substance containing a detectable amount of oxycodone.

Pursuant to Title 21, United States Code, Section 841(b)(1)(C), it is further alleged that this violation involved a Schedule II controlled substance, that is, a mixture and substance containing a detectable amount of oxymorphone.

HEALTH CARE FRAUD

General Allegations

At all times relevant to this Indictment:

The Health Insurance Programs

1. The Medicare Program ("Medicare") was a federally funded program that provided free or below-cost health care benefits to certain individuals, primarily the elderly, blind, and disabled. The benefits available under Medicare were governed by federal statutes and regulations. The United States Department of Health and Human Services, through its agency, the Centers for Medicare and Medicaid Services ("CMS"), oversaw and administered Medicare. Individuals who received benefits under Medicare were commonly referred to as Medicare "beneficiaries."

2. Medicare was a "health care benefit program," as defined by Title 18, United States Code, Section 24(b).

3. Part D of the Medicare program subsidized the costs of prescription drugs for Medicare beneficiaries in the United States. It was enacted as part of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, and went into effect on January 1, 2006. Part

D benefits were administered by private insurance plans that were reimbursed by Medicare through CMS.

4. Beneficiaries could obtain Part D benefits in two different ways: they could join a Prescription Drug Plan which covered only prescription drugs; or they could join a Medicare Advantage Plan that covered both prescription drugs and medical services.

5. Under Part D, a pharmacy would contract with multiple private insurance plans or their Pharmacy Benefit Managers which provided Medicare Part D coverage but could also submit claims for payment to a private insurance plan with which it did not have a contract. The pharmacy would submit claims for prescription fills obtained by Medicare Part D beneficiaries.

6. Typically, a Medicare beneficiary enrolled in a Medicare Part D plan would fill their prescriptions at a pharmacy utilizing their Medicare Part D plan coverage to pay for the prescription. The pharmacy would then submit the prescription claim for reimbursement to the Medicare Part D beneficiary's Part D for payment under the beneficiary's Health Insurance Claim Number and/or Medicare Plan identification number.

7. The Florida Medicaid program ("Medicaid") was a federal and state funded health care program providing benefits to individuals and families who met specified financial and other eligibility requirements, and certain other individuals who lacked adequate resources to pay for medical care. CMS was responsible for overseeing the Medicaid program in participating states, including Florida. Individuals who received benefits under the Medicaid program were similarly referred to as "beneficiaries."

8. Medicaid was a "health care benefit program," as defined by Title 18, United States Code, Section 24(b).

9. Medicaid covered the costs of medical services and products. Among the specific medical services and products provided by Medicaid was reimbursements to pharmacies for the provision of prescription drugs. Generally, Medicaid covered these costs if, among other requirements, they were medically necessary and ordered by a physician.

10. In addition to Medicare and Medicaid, numerous private entities (collectively “the private insurers”), also provided health insurance plans, affecting commerce, under which medical benefits, items, and services, were provided to individuals. Individuals who received benefits under health insurance plans offered by private insurers are similarly referred to as “beneficiaries.”

11. The private insurers provided health insurance plans that constituted “health care benefit programs” as defined by Title 18, United States Code, Section 24(b).

12. The private insurers compensated medical service providers for medical services, including the provision of prescription drugs, that were actually rendered and were medically necessary.

13. To receive reimbursement from the private insurers, medical service providers submitted or caused the submission of claims, either electronically or in writing, to the private insurer for payment of services, either directly or through a billing company.

The Pain Clinics

14. Defendants **GERARDO GOMEZ** and **JUAN DE DIOS GOMEZ** operated and utilized medical clinics (the “pain clinics”) at the following addresses in Miami-Dade and Broward Counties: 3068-C Palm Avenue, Hialeah; 893 E 10th Avenue, Hialeah; 2780 SW 87th Avenue, Miami; 752 W Flagler Street, Miami; 1420 W Flagler Street, Miami; and 901 So. State Road 7, Plantation.

The Pharmacies

15. Defendant **AIMAN IZZEDIN ARYAN** was the beneficial owner, controller, and manager of Florida corporations that did business as pharmacies under the name “Robert’s Drug Store,” at the following locations in Miami: “Robert’s Drug Store #1,” 590 West Flagler Street; “Robert’s Drug Store #2,” 3454 NW 7th Avenue; “Robert’s Drug Store #3,” 2505 NW 54th Street; and “Robert’s Drug Store #4,” 111 NW 1st Street (hereafter generically referred to as a “Robert’s Drug Store”).

16. Defendant **EMERSON CARMONA** was the beneficial owner, controller, and manager of a Florida corporation that did business as a pharmacy under the name “Pharmalife Pharmacy” at 801 SW 1st Street, Miami, Florida.

COUNT 9
Health Care Fraud Conspiracy
(18 U.S.C. § 1349)

17. Paragraphs 1 through 16 of the General Allegations section of this Indictment are realleged and incorporated by reference as though fully set forth herein.

18. Beginning as early as November 2007, the exact date being unknown to the Grand Jury, and continuing through on or about the date of this indictment, in Miami-Dade County in the Southern District of Florida, and elsewhere, the defendants,

AIMAN IZZEDIN ARYAN,
EMERSON CARMONA,
FRANK J. BALLESTEROS,
GERARDO GOMEZ,
a/k/a “Gerry,”
JUAN DE DIOS GOMEZ,
a/k/a “Juancito,”
a/k/a “Papa,”
DANAY C. MANSO,

**a/k/a "Danay C. Manso-Perez,"
a/k/a "Danay Camila Manso-Perez,"
a/k/a "Danay Camila Manso,"
a/k/a "Danay Camila M. Perez,"
a/k/a "Camila,"
DANILO FALCON,
a/k/a "Danny,"
ELIEZER SALGADO,
a/k/a "Lito,"
FRANCISCO HERNANDEZ,
LEROY PAIGE,
a/k/a "Batman,"
a/k/a "Bat,"
ALYSSA LYN PAIGE,
CYNTHIA SUZETTE ADDERLEY,
VICTOR D. ALEXANDER,
AARON LAMAR ALLEN,
HENRY LOUIS CONLEY, Jr.,
HATTIE MAE GREEN,
PETRONELLA SMITH HOWARD,
ERIC FYKE MILLER,
a/k/a "Jaysyn,"
ANNIE MIMS SIMMONS,
a/k/a "Miss Annie,"
BOBBIE LEE ANDERSON,
DENISE DARCELLE DARDY,
MARGARET MARIE ELLIOTT,
BILLY JOE MCCOY,
and
RONALD REGAINS,**

did knowingly and willfully combine, conspire, confederate and agree with each other and with others known and unknown to the Grand Jury, to violate Title 18, United States Code, Section 1347, that is, to execute a scheme and artifice to defraud a health care benefit program affecting commerce, as defined in Title 18, United States Code, Section 24(b), that is, Medicare, Medicaid, and private insurance plans, and to obtain, by means of materially false and fraudulent pretenses, representations, and promises, money and property owned by, and under the custody and control of, said health care

program, in connection with the delivery of and payment for health care benefits, items, and services.

Purpose of the Conspiracy

19. It was a purpose of the conspiracy for defendants and their co-conspirators to unlawfully enrich themselves by, among other things, (a) submitting and causing the submission of false and fraudulent claims to Medicare, Medicaid, and private insurance plans; (b) concealing the submission of false and fraudulent claims to Medicare, Medicaid, and private insurance plans; and (c) diverting the proceeds of fraud for the personal use and benefit of themselves and others.

Manner and Means

The manner and means by which the defendants and their co-conspirators sought to accomplish the purpose of the conspiracy included, among others, the following:

20. The defendants **GERARDO GOMEZ** and **JUAN DE DIOS GOMEZ** would operate and utilize the pain clinics as a source of fraudulent prescriptions for oxycodone and oxymorphone, which they would obtain for distribution.

21. Defendant **FRANK J. BALLESTEROS** was a licensed physician who worked at the pain clinics located at 3068-C Palm Avenue and 893 E 10th Avenue, in Hialeah, and elsewhere. **FRANK D. BALLESTEROS** would write prescriptions for oxycodone, oxymorphone, and other drugs, without regard to medical necessity, and knowing that the patients for whom the drugs were prescribed would distribute them.

22. Defendant **DANAY C. MANSO** worked at pain clinics at 3068-C Palm Avenue, Hialeah, and 752 W. Flagler Street, Miami, and elsewhere, where she would facilitate the issuance of false and fraudulent prescriptions for oxycodone, oxymorphone, and other drugs to Medicare, Medicaid, and private insurance beneficiaries, without regard to medical necessity, and knowing that

the patients for whom the drugs were prescribed would distribute them.

23. Defendants **LEROY PAIGE, ALYSSA LYN PAIGE, CYNTHIA SUZETTE ADDERLEY, VICTOR D. ALEXANDER, AARON LAMAR ALLEN, HENRY LOUIS CONLEY, Jr., HATTIE MAE GREEN, PETRONELLA SMITH HOWARD, ERIC FYKE MILLER, and ANNIE MIMS SIMMONS** would recruit Medicare, Medicaid, and private insurance beneficiaries to visit the pain clinics for the purpose of obtaining false and fraudulent prescriptions for oxycodone, oxymorphone, and other prescription drugs.

24. Defendants **GERARDO GOMEZ and JUAN DE DIOS GOMEZ** would offer and provide kickbacks, bribes, and other inducements to beneficiary recruiters, including defendants **LEROY PAIGE, ALYSSA LYN PAIGE, CYNTHIA SUZETTE ADDERLEY, VICTOR D. ALEXANDER, AARON LAMAR ALLEN, HENRY LOUIS CONLEY, Jr., HATTIE MAE GREEN, PETRONELLA SMITH HOWARD, ERIC FYKE MILLER, and ANNIE MIMS SIMMONS** who would themselves offer and provide kickbacks bribes, and other inducements to Medicare, Medicaid, and private insurance beneficiaries, for the purpose of inducing the beneficiaries to: (1) visit the pain clinics where the beneficiaries would obtain prescriptions for oxycodone, oxymorphone, and other drugs, that were medically unnecessary; (2) present those prescriptions at a "Robert's Drug Store" pharmacy, Pharmalife Pharmacy, and other pharmacies, for filling and billing; and (3) distribute the oxycodone and oxymorphone.

25. Defendants **LEROY PAIGE, ALYSSA LYN PAIGE, CYNTHIA SUZETTE ADDERLEY, VICTOR D. ALEXANDER, AARON LAMAR ALLEN, HENRY LOUIS CONLEY, Jr., HATTIE MAE GREEN, PETRONELLA SMITH HOWARD, ERIC FYKE MILLER, and ANNIE MIMS SIMMONS** would transport and assist in transporting Medicare,

Medicaid, and private insurance beneficiaries to the pain clinics and pharmacies for the purpose of obtaining false and fraudulent prescriptions for oxycodone, oxymorphone, and other drugs that were medically unnecessary, take possession of the oxycodone and oxymorphone after the prescriptions were filled, and distribute the oxycodone and oxymorphone to defendants **GERARDO GOMEZ, JUAN DE DIOS GOMEZ, DANILO FALCON, and ELIEZER SALGADO.**

26. Defendants **BOBBIE LEE ANDERSON, DENISE DARCELLE DARDY, MARGARET MARIE ELLIOTT, BILLY JOE MCCOY, and RONALD REGAINS** were beneficiaries of Medicare, Medicaid, and private insurance. Defendants **BOBBIE LEE ANDERSON, DENISE DARCELLE DARDY, MARGARET MARIE ELLIOTT, BILLY JOE MCCOY, and RONALD REGAINS** would: (1) visit the pain clinics where they would obtain prescriptions for oxycodone, oxymorphone, and other drugs that were medically unnecessary; (2) present those prescriptions at “Robert’s Drug Store” pharmacies, Phamalife Pharmacy, and other pharmacies, for filling pursuant to their Medicare, Medicaid, or private insurance; (3) after the prescriptions were filled, they would distribute the oxycodone and oxymorphone to defendants **A. LEROY PAIGE, HATTIE MAE GREEN, PETRONELLA SMITH HOWARD, and ERIC FYKE MILLER,** among others.

27. Defendant **AIMAN IZZEDIN ARYAN** would cause “Robert’s Drug Store” pharmacies to bill Medicare, Medicaid, and private insurers for prescription medications, including oxycodone and oxymorphone, that were medically unnecessary for the beneficiaries for whom they were prescribed and intended for distribution to other persons.

28. Defendant **EMERSON CARMONA** would cause Phamalife Pharmacy to bill Medicare, Medicaid, and private insurers for prescription medications, including oxycodone and

oxymorphone, that were medically unnecessary for the beneficiaries for whom they were prescribed and intended for distribution to other persons.

All in violation of Title 18, United States Code, Section 1349.

FORFEITURE ALLEGATIONS

1. The allegations of this Indictment are realleged and by this reference fully incorporated herein for the purpose of alleging forfeiture to the United States of America of certain property in which one or more of the defendants has an interest

2. Upon conviction of any of the violations alleged in Counts 1 through 8 of this Indictment, the defendants shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, all of their respective rights in any property constituting or derived from any proceeds which such defendant obtained, directly or indirectly, as the result of such violation, and any property which the defendant used, or intended to be used, in any manner or part, to commit or to facilitate the commission of such violation, including, but is not limited to, the following:

(i) Approximately \$1,490.00 in United States currency, seized on or about April 6, 2011, from a vehicle driven by defendant **GERARDO GOMEZ**, in which defendant **DANILO FALCON** was a passenger;

(ii) Approximately \$8,213.00 in United States currency, seized on or about April 6, 2011, from defendant **LEROY PAIGE**;

(iii) Approximately \$8,640.00 in United States currency, seized on or about April 6, 2011, from defendant **ALYSSA LYN PAIGE**; and

(iv) the sum of approximately \$40,000,000.00 in United States currency which represents the amount of proceeds which the defendants derived from the offenses charged in Counts

1 through 8.

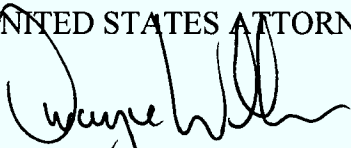
3. Upon conviction of the violation alleged in Count 9 of this Indictment, the defendants shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(7), all property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offense, including, but not limited to the following: the sum of approximately \$15,000,000.00 in United States currency which represents the amount of proceeds which the defendants derived from the offense charged in Count 9.

All pursuant to Title 18, United States Code, Sections 982(a)(7) and (b)(1); and Title 21, United States Code, Section 853.

A TRUE BILL



WIFREDO A. FERRER
UNITED STATES ATTORNEY



DWAYNE B. WILLIAMS
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

CASE NO. _____

vs.

AIMAN IZZEDIN ARYAN, et al.,

CERTIFICATE OF TRIAL ATTORNEY*

Defendant. _____/

Superseding Case Information:

Court Division: (Select One)

☒ Miami _____ Key West _____
☐ FTL _____ WPB _____ FTP _____

 New Defendant(s) _____
 Number of New Defendants _____
 Total number of counts _____

Yes _____ No _____

I do hereby certify that:

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.

2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

3. Interpreter: (Yes or No) Yes
List language and/or dialect Spanish4. This case will take 20 days for the parties to try.

5. Please check appropriate category and type of offense listed below:

(Check only one)

(Check only one)

 I 0 to 5 days _____
 II 6 to 10 days _____
 III 11 to 20 days X
 IV 21 to 60 days _____
 V 61 days and over _____

 Petty _____
 Minor _____
 Misdem. _____
 Felony X
6. Has this case been previously filed in this District Court? (Yes or No) No

If yes:

Judge: _____

Case No. _____

(Attach copy of dispositive order)

Has a complaint been filed in this matter?

(Yes or No)

No

If yes:

Magistrate Case No. _____

Related Miscellaneous numbers: _____

Defendant(s) in federal custody as of _____

Defendant(s) in state custody as of _____

Rule 20 from the _____

District of _____

Is this a potential death penalty case? (Yes or No) No7. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? _____ Yes X No8. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to September 1, 2007? _____ Yes X No

 DWAYNE E. WILLIAMS
 ASSISTANT UNITED STATES ATTORNEY
 Florida Bar No. / Court No. 0125199

*Penalty Sheet(s) attached

REV 4/8/08

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: AIMAN IZZEDIN ARYAN

Case No: _____

Count # 1

Conspiracy to possess with intent to distribute oxycodone and oxymorphone.

Title 21, United States Code, Section 846

*** Max.Penalty:** Twenty Years' Imprisonment

Count # 9

Conspiracy to commit health care fraud.

Title 18, United States Code, Section 1349

*** Max.Penalty:** Ten Years' Imprisonment

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: EMERSON CARMONA

Case No: _____

Count # 1

Conspiracy to possess with intent to distribute oxycodone and oxymorphone.

Title 21, United States Code, Section 846

*** Max.Penalty:** Twenty Years' Imprisonment

Count # 9

Conspiracy to commit health care fraud.

Title 18, United States Code, Section 1349

*** Max.Penalty:** Ten Years' Imprisonment

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: FRANK J. BALLESTEROS

Case No: _____

Count # 1

Conspiracy to possess with intent to distribute oxycodone and oxymorphone.

Title 21, United States Code, Section 846

*** Max.Penalty:** Twenty Years' Imprisonment

Counts # 2 and 4

Possession with intent to distribute oxycodone and oxymorphone.

Title 21, United States Code, Section 841(a)(1)

*** Max.Penalty:** Twenty Years' Imprisonment

Count # 9

Conspiracy to commit health care fraud.

Title 18, United States Code, Section 1349

*** Max.Penalty:** Ten Years' Imprisonment

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: GERARDO GOMEZ

Case No: _____

Count # 1

Conspiracy to possess with intent to distribute oxycodone and oxymorphone.

Title 21, United States Code, Section 846

* Max.Penalty: Twenty Years' Imprisonment

Count # 7

Attempt to possess with intent to distribute oxycodone.

Title 21, United States Code, Section 846

* Max.Penalty: Twenty Years' Imprisonment

Count #8

Possession with intent to distribute oxycodone and oxymorphone.

Title 21, United States Code, Section 841(a)(1)

* Max.Penalty: Twenty Years' Imprisonment

Count # 9

Conspiracy to commit health care fraud.

Title 18, United States Code, Section 1349

* Max.Penalty: Ten Years' Imprisonment

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: JUAN DE DIOS GOMEZ

Case No: _____

Count # 1

Conspiracy to possess with intent to distribute oxycodone and oxymorphone.

Title 21, United States Code, Section 846

*** Max.Penalty:** Twenty Years' Imprisonment

Count # 3

Possession with intent to distribute oxycodone and oxymorphone.

Title 21, United States Code, Section 841(a)(1)

*** Max.Penalty:** Twenty Years' Imprisonment

Count # 7

Attempt to possess with intent to distribute oxycodone.

Title 21, United States Code, Section 846

*** Max.Penalty:** Twenty Years' Imprisonment

Count # 9

Conspiracy to commit health care fraud.

Title 18, United States Code, Section 1349

*** Max.Penalty:** Ten Years' Imprisonment

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: DANAY C. MANSO

Case No: _____

Count # 1

Conspiracy to possess with intent to distribute oxycodone and oxymorphone.

Title 21, United States Code, Section 846

*** Max.Penalty:** Twenty Years' Imprisonment

Count # 9

Conspiracy to commit health care fraud.

Title 18, United States Code, Section 1349

*** Max.Penalty:** Ten Years' Imprisonment

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: DANILO FALCON

Case No: _____

Count # 1

Conspiracy to possess with intent to distribute oxycodone and oxymorphone.

Title 21, United States Code, Section 846

* Max.Penalty: Twenty Years' Imprisonment

Count # 7

Attempt to possess with intent to distribute oxycodone.

Title 21, United States Code, Section 846

* Max.Penalty: Twenty Years' Imprisonment

Count #8

Possession with intent to distribute oxycodone and oxymorphone.

Title 21, United States Code, Section 841(a)(1)

* Max.Penalty: Twenty Years' Imprisonment

Count # 9

Conspiracy to commit health care fraud.

Title 18, United States Code, Section 1349

* Max.Penalty: Ten Years' Imprisonment

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: ELIEZER SALGADO

Case No: _____

Count # 1

Conspiracy to possess with intent to distribute oxycodone and oxymorphone.

Title 21, United States Code, Section 846

* Max.Penalty: Twenty Years' Imprisonment

Count # 9

Conspiracy to commit health care fraud.

Title 18, United States Code, Section 1349

* Max.Penalty: Ten Years' Imprisonment

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: FRANCISCO HERNANDEZ

Case No: _____

Count # 1

Conspiracy to possess with intent to distribute oxycodone and oxymorphone.

Title 21, United States Code, Section 846

* Max.Penalty: Twenty Years' Imprisonment

Count # 9

Conspiracy to commit health care fraud.

Title 18, United States Code, Section 1349

* Max.Penalty: Ten Years' Imprisonment

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: LEROY PAIGE

Case No: _____

Count # 1

Conspiracy to possess with intent to distribute oxycodone and oxymorphone.

Title 21, United States Code, Section 846

*** Max.Penalty:** Twenty Years' Imprisonment

Counts # 2, 3, 4, 5 and 8

Possession with intent to distribute oxycodone and oxymorphone.

Title 21, United States Code, Section 841(a)(1)

*** Max.Penalty:** Twenty Years' Imprisonment

Count # 6

Possession with intent to distribute oxycodone.

Title 21, United States Code, Section 841(a)(1)

*** Max.Penalty:** Twenty Years' Imprisonment

Count # 7

Attempt to possess with intent to distribute oxycodone.

Title 21, United States Code, Section 846

*** Max.Penalty:** Twenty Years' Imprisonment

Defendant's Name: LEROY PAIGE

Count # 9

Conspiracy to commit health care fraud.

Title 18, United States Code, Section 1349

*** Max.Penalty:** Ten Years' Imprisonment

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: AARON LAMAR ALLEN

Case No: _____

Count # 1

Conspiracy to possess with intent to distribute oxycodone and oxymorphone.

Title 21, United States Code, Section 846

*** Max.Penalty:** Twenty Years' Imprisonment

Count #9

Conspiracy to commit health care fraud.

Title 18, United States Code, Section 1349

*** Max.Penalty:** Ten Years' Imprisonment

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: AARON LAMAR ALLEN

Case No: _____

Count # 1

Conspiracy to possess with intent to distribute oxycodone and oxymorphone.

Title 21, United States Code, Section 846

* Max.Penalty: Twenty Years' Imprisonment

Count # 9

Conspiracy to commit health care fraud.

Title 18, United States Code, Section 1349

* Max.Penalty: Ten Years' Imprisonment

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: HENRY LOUIS CONLEY JR.

Case No: _____

Count # 1

Conspiracy to possess with intent to distribute oxycodone and oxymorphone.

Title 21, United States Code, Section 846

* Max.Penalty: Twenty Years' Imprisonment

Count # 9

Conspiracy to commit health care fraud.

Title 18, United States Code, Section 1349

* Max.Penalty: Ten Years' Imprisonment

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: HATTIE MAE GREEN

Case No: _____

Count # 1

Conspiracy to possess with intent to distribute oxycodone and oxymorphone.

Title 21, United States Code, Section 846

*** Max.Penalty:** Twenty Years' Imprisonment

Count # 2

Possession with intent to distribute oxycodone and oxymorphone.

Title 21, United States Code, Section 841(a)(1)

*** Max.Penalty:** Twenty Years' Imprisonment

Count # 9

Conspiracy to commit health care fraud.

Title 18, United States Code, Section 1349

*** Max.Penalty:** Ten Years' Imprisonment

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: PETRONELLA SMITH HOWARD

Case No: _____

Count # 1

Conspiracy to possess with intent to distribute oxycodone and oxymorphone.

Title 21, United States Code, Section 846

*** Max.Penalty:** Twenty Years' Imprisonment

Count # 6

Possession with intent to distribute oxycodone.

Title 21, United States Code, Section 841(a)(1)

*** Max.Penalty:** Twenty Years' Imprisonment

Count # 9

Conspiracy to commit health care fraud.

Title 18, United States Code, Section 1349

*** Max.Penalty:** Ten Years' Imprisonment

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: ERIC FYKE MILLER

Case No: _____

Count # 1

Conspiracy to possess with intent to distribute oxycodone and oxymorphone.

Title 21, United States Code, Section 846

*** Max.Penalty:** Twenty Years' Imprisonment

Count # 4

Possession with intent to distribute oxycodone and oxymorphone.

Title 21, United States Code, Section 841(a)(1)

*** Max.Penalty:** Twenty Years' Imprisonment

Count # 9

Conspiracy to commit health care fraud.

Title 18, United States Code, Section 1349

*** Max.Penalty:** Ten Years' Imprisonment

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: ANNIE MIMS SIMMONS

Case No: _____

Count # 1

Conspiracy to possess with intent to distribute oxycodone and oxymorphone.

Title 21, United States Code, Section 846

* Max.Penalty: Twenty Years' Imprisonment

Count # 9

Conspiracy to commit health care fraud.

Title 18, United States Code, Section 1349

* Max.Penalty: Ten Years' Imprisonment

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: BOBBIE LEE ANDERSON

Case No: _____

Count # 1

Conspiracy to possess with intent to distribute oxycodone and oxymorphone.

Title 21, United States Code, Section 846

*** Max.Penalty:** Twenty Years' Imprisonment

Count # 6

Possession with intent to distribute oxycodone.

Title 21, United States Code, Section 841(a)(1)

*** Max.Penalty:** Twenty Years' Imprisonment

Count # 9

Conspiracy to commit health care fraud.

Title 18, United States Code, Section 1349

*** Max.Penalty:** Ten Years' Imprisonment

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: DENISE DARCELLE DARDY

Case No: _____

Count # 1

Conspiracy to possess with intent to distribute oxycodone and oxymorphone.

Title 21, United States Code, Section 846

*** Max.Penalty:** Twenty Years' Imprisonment

Count # 2

Possession with intent to distribute oxycodone and oxymorphone.

Title 21, United States Code, Section 841(a)(1)

*** Max.Penalty:** Twenty Years' Imprisonment

Count # 9

Conspiracy to commit health care fraud.

Title 18, United States Code, Section 1349

*** Max.Penalty:** Ten Years' Imprisonment

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: MARGARET MARIE ELLIOTT

Case No: _____

Count # 1

Conspiracy to possess with intent to distribute oxycodone and oxymorphone.

Title 21, United States Code, Section 846

*** Max.Penalty:** Twenty Years' Imprisonment

Count # 6

Possession with intent to distribute oxycodone.

Title 21, United States Code, Section 841(a)(1)

*** Max.Penalty:** Twenty Years' Imprisonment

Count # 9

Conspiracy to commit health care fraud.

Title 18, United States Code, Section 1349

*** Max.Penalty:** Ten Years' Imprisonment

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: BILLY JOE McCOY

Case No: _____

Count # 1

Conspiracy to possess with intent to distribute oxycodone and oxymorphone.

Title 21, United States Code, Section 846

*** Max.Penalty:** Twenty Years' Imprisonment

Count # 6

Possession with intent to distribute oxycodone.

Title 21, United States Code, Section 841(a)(1)

*** Max.Penalty:** Twenty Years' Imprisonment

Count # 9

Conspiracy to commit health care fraud.

Title 18, United States Code, Section 1349

*** Max.Penalty:** Ten Years' Imprisonment

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: RONALD REGAINS

Case No: _____

Count # 1

Conspiracy to possess with intent to distribute oxycodone and oxymorphone.

Title 21, United States Code, Section 846

*** Max.Penalty:** Twenty Years' Imprisonment

Counts # 4 and 5

Possession with intent to distribute oxycodone and oxymorphone.

Title 21, United States Code, Section 841(a)(1)

*** Max.Penalty:** Twenty Years' Imprisonment

Count # 9

Conspiracy to commit health care fraud.

Title 18, United States Code, Section 1349

*** Max.Penalty:** Ten Years' Imprisonment

***Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2011-15570

FRANK J. BALLESTEROS, M.D.

RESPONDENT.

_____ /

ADMINISTRATIVE COMPLAINT

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Medicine against Respondent, Frank J. Ballestreros, M.D., and in support thereof alleges:

1. Petitioner is the state department charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 458, Florida Statutes.
2. At all times material to this Complaint, Respondent was a licensed physician within the State of Florida, having been issued license number ME 55074.

3. Respondent's address of record is 14951 Southwest 9th Way, Miami, Florida 33194.

4. On or about April 10, 2012, in the United States District Court for the Southern District of Florida, in Case Number 11-20698-CR-SCOLA, the jury found Respondent guilty of one count of Conspiracy to Possess with Intent to distribute a Controlled Substance, which was a Schedule II controlled substance which was a mixture and substance containing a detectable amount of oxycodone, and oxymorphone in violation of Title 21, United States Code, Section 846.

5. The jury also convicted Respondent on two counts of Possession with Intent to Distribute a Controlled Substance, both in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2, specifically involving Schedule II controlled substances which were a mixtures and substances containing a detectable amount of oxycodone, and oxymorphone.

6. Finally, the jury convicted Respondent on one count of Health Care Fraud Conspiracy due to knowingly and willfully combining, conspiring, confederating and agreeing with others to execute a scheme and artifice to defraud a health care benefit program affecting commerce,

specifically by submitting or causing to be submitted false and fraudulent claims to Medicare, Medicaid, and private insurance plans, concealing the false submissions, and diverting the funds for his personal use, in violation of 18 United States Code, Section 1349.

7. Respondent was convicted of crimes that relate to the practice of medicine. Respondent's license to practice medicine in the state of Florida enabled him to commit the crimes detailed in the aforementioned paragraph.

8. Section 458.331(1)(c), Florida Statutes (2011), provides that being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of medicine or to the ability to practice medicine constitutes grounds for disciplinary action by the Board of Medicine.

9. On or about April 10, 2012, in the United States District Court for the Southern District of Florida, in Case Number 11-20698-CR-SCOLA, the jury found Respondent guilty of one count of Conspiracy to Possess with Intent to distribute a Controlled Substance, two counts of Possession with Intent to Distribute a Controlled Substance, and one count of Health

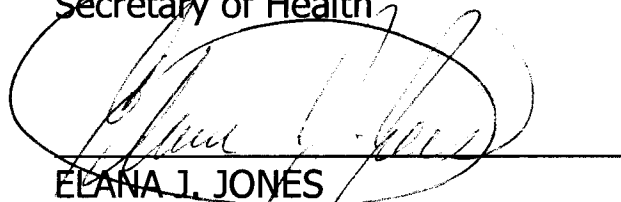
Care Fraud Conspiracy. These crimes directly relate to the practice of medicine.

10. Based on the foregoing, Respondent has violated Section 458.331(1)(c), Florida Statutes (2011), by being found guilty of a crime that is directly related to the practice of medicine or to the ability to practice medicine.

WHEREFORE, Petitioner respectfully requests that the Board of Medicine enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 2nd day of July, 2012.

JOHN H. ARMSTRONG, MD
State Surgeon General and
Secretary of Health



ELANA J. JONES
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
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(850) 245-4640
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FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK *Sandra Soto*
DATE *7-2-2012*

Frank J. Ballesteros, M.D.

CASE NO. 2011-15570

PCP Date: July 2, 2012

PCP Members: Avila, M.D., Lage, M.D., & Dyches

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.